



**BellSouth Telecommunications, Inc.**

333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

December 5, 2000

**Guy M. Hicks**  
General Counsel

615 214-6301  
Fax 615 214-7406

VIA HAND DELIVERY

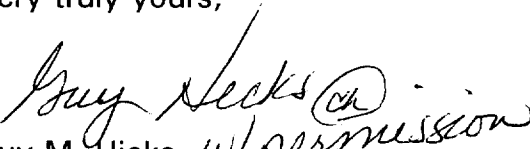
David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition for Arbitration of an Interconnection Agreement Between  
BellSouth Telecommunications, Inc. and US LEC of Tennessee, Inc.  
Pursuant to the Telecommunications Act of 1996*  
Docket No. 00-00053

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's First Request for Production of Documents to US LEC of Tennessee, Inc. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,

  
Guy M. Hicks w/permission

GMH:ch  
Enclosure

P12-7-00

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

Nashville, Tennessee

In Re: *Petition for Arbitration of an Interconnection Agreement Between  
BellSouth Telecommunications, Inc. and US LEC of Tennessee, Inc.  
Pursuant to the Telecommunications Act of 1996*

Docket No. 00-00053

**BELLSOUTH TELECOMMUNICATIONS, INC.'S**  
**FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**  
**TO US LEC OF TENNESSEE, INC.**

BellSouth Telecommunications, Inc. ("BellSouth") hereby requests US LEC of Tennessee, Inc. ("US LEC") to furnish documents in response to the following Requests for Production by December 13, 2000.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Requests for Production is considered to contain confidential or protected information, please furnish this information subject to a protective agreement.

(b) If any document is withheld under a claim of privilege, please furnish a list of each document for which the privilege is claimed, reflecting the name and address of the person who prepared the document, the date the document was prepared, each person who was sent a copy of the document, each person who has viewed or who has had custody of a copy of the document, and a statement of the basis on which the privilege was claimed.

(c) These Requests for Production are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These Requests for Production are intended to include requests for information that is physically within US LEC's possession, custody or control as well as in the possession, custody or control of US LEC's agents, attorneys, or other third parties from which such documents may be obtained.

(d) If any Request for Production cannot be responded in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a Request for Production, answer all parts of the request to which you do not object, and as to each part to which you do object, separately set forth this specific basis for the objection.

(e) These Requests for Production are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these requests subsequently become known or should your initial response be incorrect or untrue.

#### **DEFINITIONS**

(a) "US LEC" means US LEC of Tennessee, Inc., any predecessors in interest, its parent, subsidiaries, and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of US LEC.

(b) "You" and "your" refer to US LEC.

(c) "Person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(d) "And" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Requests for Production information that would not otherwise be brought within their scope.

(e) "Identification" or "identify" when used in reference to: (i) a natural individual, requires you to state his or her full name and residential and business address; (ii) a corporation, requires you to state its full corporate name and any names under which it does business, the state of incorporation, and the address of its principal place of business; (iii) a document, requires you to state the number of pages and the nature of the document (e.g., a letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location or custodian; (iv) a communication, requires you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and to the extent that the communication was not written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

(f) "Arbitration Petition" refers to the petition filed by BellSouth on January 25, 2000 requesting arbitration under Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("1996 Act").

(g) "Incumbent Local Exchange Carrier" refers to the term as defined in Section 251(h) of the Act, as codified in 47 U.S.C. § 251(h).

### **REQUESTS FOR PRODUCTION**

1. Produce copies of all documents identified in response to BellSouth's First Set of Interrogatories to US LEC.

2. Produce all maps, plats, diagrams, schematics or any other document reflecting the geographic area served by each switch US LEC has in Tennessee.

3. Produce all maps, plats, diagrams, schematics or any other document reflecting the location of US LEC's customers served by each switch US LEC has in Tennessee.

4. Please provide any and all written agreements and/or contracts entered between US LEC and its ISP customers, as well as an explanation of any oral agreements entered into with such ISP customers.

5. Produce all documents that refer, relate or describe US LEC's collection of reciprocal compensation for its delivery of traffic to ISPs located outside the rate center in which the call to the ISP originated.

6. Produce all documents that refer or relate to any projections, estimates, studies, calculation, or budgets developed by or on behalf of US LEC that reflect the amount of reciprocal compensation US LEC expects to receive from BellSouth in Tennessee in the years 2000 and 2001.

7. Produce any cost study or other information, data or documentation concerning the actual cost incurred by US LEC to transport ISP traffic from the

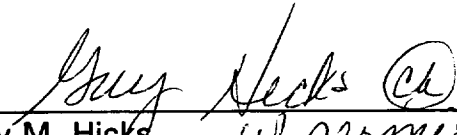
point of interconnection with BellSouth to the ISP customer's location or server being served by a US LEC switch.

8. Produce all documents referring, relating or pertaining to the relationship between US LEC any ISP that US LEC owns, or with which it has an affiliation or in which it has an interest.

9. Produce copies of any and all agreements between US LEC and any ILEC (including BellSouth), ALEC, IXC, LEC, or publishing company concerning the publishing of US LEC's subscriber listing information in any directory.

Respectfully submitted, this 5<sup>th</sup> day of December 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
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Guy M. Hicks *w/ permission*  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6301

R. DOUGLAS LACKEY  
E. EARL EDENFIELD JR.  
675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

### CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2000, a copy of the foregoing document was served on the parties of record, via facsimile, hand delivery, overnight or U. S. Mail, postage pre-paid, addressed as follows:

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

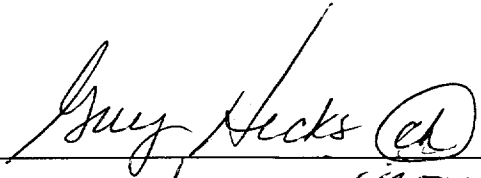
Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Ave., #1600  
P. O. Box 198062  
Nashville, TN 39219-8062

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Michael Shor, Esquire  
Swidler & Berlin  
3000 K St, NW, #300  
Washington, DC 20007

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Aaron Cowell  
Exec. Vice President\General Counsel  
US LEC Corporation  
401 North Tryon Street, #1000  
Charlotte, NC 28202

  
w/ permission